

Title 14: COURT PROCEDURE -- CIVIL
Chapter 727: RECOVERY OF COLLECTION PAYMENTS FROM ATTORNEYS

Table of Contents

Part 7. PARTICULAR PROCEEDINGS.....

Section 7101. SUMMARY PROCEEDINGS AUTHORIZED..... 3

Section 7102. PROCEDURE..... 3

Section 7103. APPEALS..... 3

Section 7104. CONTEMPT FOR FAILURE TO COMPLY..... 3

Section 7105. CLAIMANT MAY SUE AT COMMON LAW; DISCLOSURE..... 3

Maine Revised Statutes

Title 14: COURT PROCEDURE -- CIVIL

Chapter 727: RECOVERY OF COLLECTION PAYMENTS FROM ATTORNEYS

§7101. SUMMARY PROCEEDINGS AUTHORIZED

If an attorney-at-law receives money or any valuable thing on a claim left with him for collection or settlement and fails to account for and pay over the same to the claimant for 10 days after demand, he is guilty of a breach of duty as an attorney. Such claimant may file in the office of the clerk of the Superior Court in the county where such attorney resides, a motion in writing under oath setting forth the facts. Thereupon any Justice of the Superior Court shall issue an order requiring the attorney to appear on a day fixed and show cause why he should not so account and pay, and to abide the order of such justice in the premises, which shall be served by copy in hand at least 5 days before the return day.

§7102. PROCEDURE

If such attorney then appears, he shall file an answer to such motion under oath and such justice may examine the parties and other evidence pertinent thereto. If he does not appear and answer, the facts set forth in the motion shall be taken as confessed. In either case such justice shall render such decree as equity requires.

§7103. APPEALS

Either party may appeal from any ruling or decree of such justice to the law court as in any civil action.

§7104. CONTEMPT FOR FAILURE TO COMPLY

If the attorney does not perform the decree of such justice, he shall be committed for contempt until he does or is otherwise lawfully discharged, and his name shall be struck from the roll of attorneys.

§7105. CLAIMANT MAY SUE AT COMMON LAW; DISCLOSURE

The claimant may have his suit at common law against such attorney before filing such motion or after an adverse decision thereon. If judgment is recovered against the attorney in either mode, the fact shall be noted on the margin of the execution issued thereon. When the debtor is arrested thereon, he shall be committed to jail and no citation to disclose shall be issued until he has been there for 90 days.

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.